



02-29-08 1633

Attorney's Docket No.: 0119365-00004/912

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Manuel Vega *et al.*
Serial No. : 10/022,390
Filed : December 17, 2001
Cust. No. : 77202
Title : MUTANT RECOMBINANT ADENO-ASSOCIATED VIRUSES

Art Unit : 1633
Examiner : Popa, Ileana
Conf. No. : 5547

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

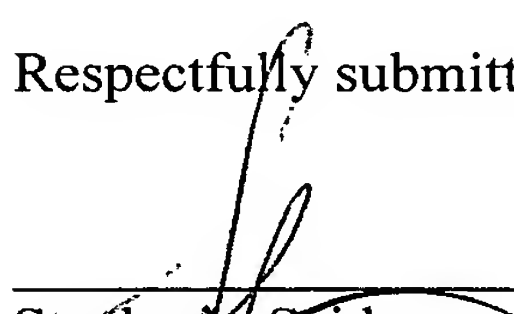
Dear Sir:

Transmitted herewith are a Response to Notice of Non-Compliant Amendment (6 pages), a copy of the Notice of Non-Compliant Amendment, mailed February 5, 2008 (3 pages), and a return receipt postcard for filing in connection with the above-identified application.



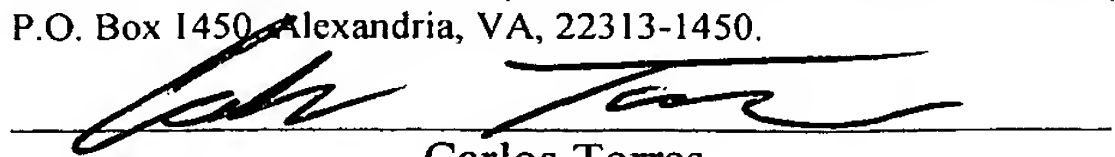
The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 02-1818. A duplicate of this sheet is enclosed.

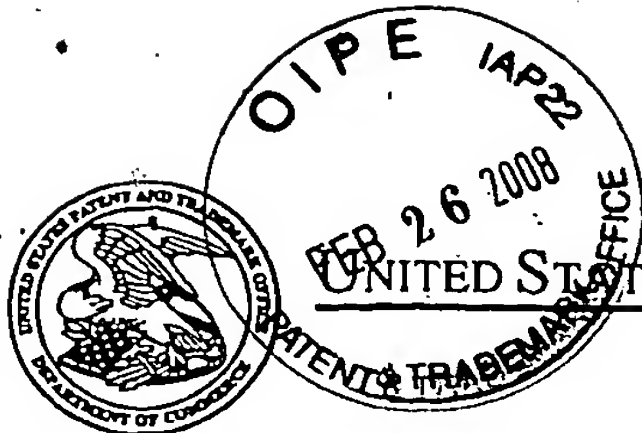
Respectfully submitted,


Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 0119365-00004/912
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CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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Date of Deposit: February 27, 2008
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.


Carlos Torres



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,390	12/17/2001	Manuel Vega	17109-003001 / 912	5547

20985 7590 02/05/2008

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

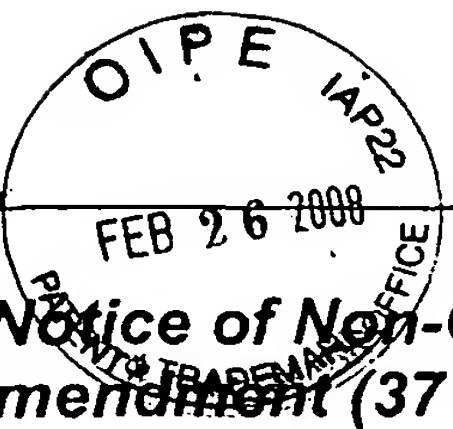
EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 02/05/2008

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.	Applicant(s)	
10/022,390	VEGA ET AL.	
Examiner	Art Unit	
Ileana Popa	1633	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 06 November 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- 1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- 2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

_____ Legal Instruments Examiner (LIE), if applicable	_____ Telephone No.
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Continuation of 4(e) Other: Claims 62 and 78 have been amended; however the claims are improperly identified as "previously presented".

Heard P. M.

All 1683